

LICENSING ACT 2003

Sections 17, 18(3), and (4), 19, 19A, 23(1)(a), (2) and (4) and Regulation 9 Licensing Act 2003 (Hearings) Regulations 2005/44

NOTIFICATION OF GRANT OF APPLICATION FOR A PREMISES LICENCE WHERE RELEVANT REPRESENTATIONS WERE MADE

Premises: One Stop, 60B Wedgewood Street, Fairford Leys, Aylesbury HP19 7HL

To:

The Applicant: Mr. Jeyaraman Paranthaban, One Stop Stores (Fairford Leys) Ltd
Ms. Gill Sherratt, Applicant Representative, Licensing Maters

The Chief Constable

Interested Parties: Cllr Steven Lambert
Denise Page
Steven Penny

Take Notice

THAT following a hearing of the Licensing Sub-Committee

ON Tuesday 6th July 2021

BUCKINGHAMSHIRE COUNCIL as the Licensing Authority for the Premises

HAS AGREED

TO GRANT A PREMISES LICENCE SUBJECT TO the mandatory and other conditions set out in Schedules 1, 2 and 3 below.

SCHEDULE 1

Mandatory Conditions

MANDATORY CONDITIONS SPECIFIED BY THE LICENSING ACT 2003

For the purposes of this Schedule:

“the Act” means the Licensing Act 2003

“Disability” has the meaning given in section 6 of the Equality Act 2010

“Relevant Premises” has the meaning given in paragraphs (a) and (b) of the definition in section 159 of the Act

“Responsible Person” has the meaning given in paragraphs (a) and (b) of the definition in section 153(4) of the Act (the relevant parts of which are attached to this licence)

Section 19 of the Licensing Act 2003 – Supply of Alcohol

No supply of alcohol may be made under the premises licence –

- a. At a time when there is no designated premises supervisor in respect of the premises licence; or
- b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

MANDATORY CONDITIONS SPECIFIED BY THE LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS) ORDER 2010 AS AMENDED BY THE LICENSING ACT 2003 (MANDATORY CONDITIONS)(AMENDMENT) ORDER 2014

Mandatory Condition 1

1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:-

a. Games or other activities which require or encourage, or are designed to require or encourage individuals to:

- i. Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

ii. Drink as much alcohol as possible (whether within a time limit of otherwise);

b. Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

c. Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

d. Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone,

encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

e. Dispensing alcohol directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of disability).

Mandatory Condition 2

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Mandatory Condition 3

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or older age as may be specified in the policy) to produce on request, before being served with alcohol, identification bearing their photograph, date of birth and either:-

- a. A holographic mark
- b. An ultraviolet feature.

Mandatory Condition 4

The responsible person must ensure that:-

a. Where any of the following alcoholic drinks are sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-

- i. Beer or cider: ½ pint;
- ii. Gin, rum, vodka or whisky: 25ml or 35ml; and
- iii. Still wine in a glass: 125 ml

b. These measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

c. Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

MANDATORY CONDITIONS SPECIFIED BY THE LICENSING ACT 2003 (MANDATORY CONDITIONS) ORDER 2014

Mandatory Condition 5

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price that is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1:-

a. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

b. "permitted price" is the price found by applying the formula –

$$P=D + (D \times V)$$

Where:-

i. P is the permitted price

ii. D is the amount of duty chargeable in relation to the alcohol as if the duty charged on the date of sale or supply of the alcohol and

iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence:-

i. The holder of the premises licence,

ii. The designated premises supervisor (if any) in respect of such a licence, or

iii. The personal licence holder who makes or authorises a supply of alcohol under such a licence

d. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e. "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph (2) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

SCHEDULE 2

Conditions consistent with the Operating Schedule submitted by the Applicant

Reduction of crime and disorder

A CCTV system will be in operation at the premises throughout opening hours at the premises.

Recorded images from the CCTV will be retained for a period of 31 days.

CCTV images will be provided to the Police and other responsible authorities as soon as practicable and in any case within 48 hours of a request for such images subject to any provisions of data protection legislation.

Public safety

Staff will be trained before making sales of alcohol in keeping with their responsibilities under the Licensing Act 2003.

Refresher training will take place at six monthly intervals.

All training will be documented and made available to the Police and authorised officers of the Licensing Authority upon request.

A register of refusals of alcohol will be maintained at the premises.

This register will be examined on a regular basis by the premises manager and/or Designated Premises Supervisor.

The date and time of the register examination will be endorsed on the register.

The register will be made available for inspection by the Police and officers authorised by the Licensing Authority on request.

Prevention of Public Nuisance

An incident register will be maintained at the premises and made available for inspection by the Police and officers authorised by the Licensing Authority on request.

The protection of children from harm

The premises will adopt a *Challenge 25* policy. If a customer wishing to purchase alcohol appears to be under the age of 25 years of age, they will be asked for proof of their age to confirm that they are over 18.

Posters will be on display advising customers of the *Challenge 25* policy.

The only forms of identification that will be accepted at the premises are a passport, UK photo-card driving licence, military ID and cards bearing the "Pass" hologram.

SCHEDULE 3

Conditions necessary to promote the Licensing Objectives for the prevention of crime and disorder and agreed in response to representations made.

Retail sale of alcohol (off sales only)	Daily	07:00 to 23:00
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Hours Open to the Public

Daily	07:00 to 23:00
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The application for an-off-sales licence is granted with the following conditions.

The panel did not feel that there were any further conditions that should be imposed to advance the Licensing Objectives.

Reasons for the Panel's decision

1. The panel noted that there were no representations made by Responsible Authorities.
2. In considering the application which was for off-sales only, the panel was aware that the Premises were located in a mixed commercial and residential area.
3. Two interested parties made objections but did not attend the hearing. A third, Cllr Steven Lambert was present at the hearing in a personal capacity rather than representing constituents. There was some question as to the admissibility of his representation but the Applicant's representative, Ms. Sherratt consented that the panel could hear the Councillor's representation.
4. The panel heard that the Applicant had lived in Aylesbury for approximately twenty years and was successfully running a number of outlets that benefited the community. These included another off-licence operating between 07:00 and 23:00, a Subway takeaway establishment and that to date, he had had no problems, complaints, failed test purchases or reviews in relation to them. He had recently bought a fish and chip

shop which it was represented, would also add to the local economy. It was submitted that the Applicant has had considerable experience in retail.

5. The panel were advised that the Applicant was hoping to run a One Stop shop which was owned by Tesco and would sell Tesco products. Only the best retailers were considered by Tesco to run these establishments since they would provide structure, support and training by way of investment in a One Stop shop. It was represented that alcohol sales would only amount to 15% of the anticipated trade. Electronic tills would be installed which would have an alcohol sale refusal prompt and record the refusal rate automatically.
6. The panel then heard the objections. These included the assertion that there were already two other establishments that sold alcohol within the location (a relatively small community) and a third was not needed. A third establishment with late opening hours may become a “destination” outlet for late night drinkers and possibly cause anti-social behaviour. Representations were made concerning vulnerable children and possible access to the premises. However, these concerns were not made in the original application and so could not be considered. The panel heard that a reduction in the number of hours to fall in line with the other outlets would reduce the prospect of One Stop shop being a destination for late drinkers.
7. Having heard the representations, the panel retired to consider their decision.
8. In reaching their decision the panel took into account of the proposed conditions in the Operating Schedule. The panel noted that the conditions offered by the Applicant went a long way to address the representations made by the Interested Parties. The panel also noted that there was no evidence in relation to anti-social behaviour or nuisance and that the Police had made no representations. The panel based their decision on the evidence placed before it and kept in mind that should public nuisance or anti-social behaviour develop, the Council had the power to review the licence and address the problems accordingly. The panel also felt that the number of existing licensed premises was not a valid objection within the Licensing Objectives. It had been confirmed by the Licensing Officer that the area in question did not form part of a cumulative impact zone.
9. The panel accepted that the Applicant had a considerable amount of experience in retail and this had demonstrated this by successfully running other outlets with the same hours in the area without a problem.
10. The panel also noted the anticipated percentage of alcohol sales as being 15% while 85% of trade would relate to groceries and other non-licensable purchases.
11. The panel agreed that in all the circumstances the conditions offered were appropriate and proportionate in promoting the licensing objectives. It was felt that no further conditions needed to be imposed by the Council.

12. In making their decision, the panel also took into account the legislation, the statutory guidance and the Council's own licensing policy.

13. The panel has taken into account the relevant provisions of the Human Rights Act 1998, namely:

Article 6 – the right to a fair hearing

Article 8 – respect for private and family life

Article 1, First Protocol – peaceful enjoyment of possessions.

14. Any Party aggrieved by the Decision given in this Notice may make a written Appeal within 21 days to the Clerk to the Justices, Wycombe and Beaconsfield Magistrates Court, Milton Keynes Magistrates Court, 301 Silbury Boulevard, Milton Keynes, Buckinghamshire MK9 2AJ.



Richard M. Ricks

Clerk to the Licensing Sub-Committee

Date: 6th July 2021